

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

JENNIFER WATLING,
Petitioner,

v.

HON. RICHARD D. NICHOLS, JUDGE OF THE SUPERIOR COURT
OF THE STATE OF ARIZONA,
IN AND FOR THE COUNTY OF PIMA,
Respondent,

and

THE STATE OF ARIZONA,
Real Party in Interest.

No. 2 CA-SA 2016-0066
Filed November 7, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED FOR PERSUASIVE AUTHORITY.
See Ariz. R. Sup. Ct. 111(a)(3), (c); Ariz. R. Civ. App. P. 28(a)(2);
Ariz. R. P. Spec. Act. 7(g), (i).

Special Action Proceeding
Pima County Cause No. CR20154859001

JURISDICTION ACCEPTED; RELIEF GRANTED

COUNSEL

Stephen Paul Barnard, Tucson
Counsel for Petitioner

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Barbara LaWall, Pima County Attorney
By Jacob R. Lines, Deputy County Attorney, Tucson
Counsel for Real Party in Interest

DECISION ORDER

Presiding Judge Vásquez authored the decision order of the Court, in which Chief Judge Eckerstrom and Judge Miller concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Defendant Jennifer Watling was arrested for driving under the influence in May 2012 and was read the “admin per se” advisement disapproved by our supreme court in *State v. Valenzuela*, 239 Ariz. 299, 371 P.3d 627 (2016), after which she agreed to submit to breath and blood testing for alcohol and other intoxicants. The suppression hearing, trial, and superior court appeal in this matter took place before that decision was issued. The justice and superior courts therefore had no occasion to address the issues presented therein, so we remand this matter to the justice court to conduct a suppression hearing in light of *Valenzuela*. If the court ultimately concludes it would not change its original ruling denying the motion to suppress, it shall so indicate and Watling may seek appellate review; otherwise, the case shall proceed as appropriate in view of a different ruling on the motion to suppress.